



IRW/AF

Patent
Attorney Docket No. 1029650-000147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AF
Nobuaki Mihara et al.)	
Application No.: 10/798,400)	Group Art Unit: 3763
Filed: March 12, 2004)	Examiner: LAURA A. BOUCHELLE
For: CATHETER)	Confirmation No.: 6062
)	
)	
)	
)	
)	
)	
)	

**CONDITIONAL NOTICE OF APPEAL AND PETITION FOR THREE-MONTH EXTENSION
OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A final Official Action was issued in connection with the above-identified application on April 3, 2008. A response to that final Official Action was filed on July 3, 2008. That response pointed out that a reference relied upon in the Official Action does not qualify as prior art with respect to the claims of this application. The undersigned has repeatedly checked the Patent Office's Public PAIR system to determine the status of this application. The undersigned has also spoken to Examiner Bouchelle multiple times regarding the status of this application. Examiner Bouchelle verbally stated that a Non-Final Office Action would be forthcoming. Moreover, at least since October 2, 2008, Public PAIR has indicated the status of this application as "Non Final Action Counted, Not Yet Mailed".

To date, the Non-Final Office Action has not been mailed. Thus, in further response to the final rejection mailed April 3, 2008, applicant conditionally appeals the decision of the Examiner contained in the final rejection, in the event that the Office Action is not mailed. In such case, the Commissioner is hereby authorized to charge the appropriate government

fees for the Notice of Appeal and the Petition for Three-Month Extension of Time set forth in
37 C.F.R. §§ 1.17 and 41.20 to our Deposit Account No. 02-4800.

Respectfully submitted,

Buchanan Ingersoll & Rooney pc

Date: October 3, 2008

By: Peter T. DeVore
Matthew L. Schneider
Registration No. 32814

Peter T. DeVore
Registration No. 60361

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AF
Nobuaki Mihara et al.)	
Application No.: 10/798,400)	Group Art Unit: 3763
Filed: March 12, 2004)	Examiner: LAURA A. BOUCHELLE
For: CATHETER)	Confirmation No.: 6062
)	
)	
)	
)	
)	
)	

**CONDITIONAL NOTICE OF APPEAL AND PETITION FOR THREE-MONTH EXTENSION
OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A final Official Action was issued in connection with the above-identified application on April 3, 2008. A response to that final Official Action was filed on July 3, 2008. That response pointed out that a reference relied upon in the Official Action does not qualify as prior art with respect to the claims of this application. The undersigned has repeatedly checked the Patent Office's Public PAIR system to determine the status of this application. The undersigned has also spoken to Examiner Bouchelle multiple times regarding the status of this application. Examiner Bouchelle verbally stated that a Non-Final Office Action would be forthcoming. Moreover, at least since October 2, 2008, Public PAIR has indicated the status of this application as "Non Final Action Counted, Not Yet Mailed".

To date, the Non-Final Office Action has not been mailed. Thus, in further response to the final rejection mailed April 3, 2008, applicant conditionally appeals the decision of the Examiner contained in the final rejection, in the event that the Office Action is not mailed. In such case, the Commissioner is hereby authorized to charge the appropriate government

fees for the Notice of Appeal and the Petition for Three-Month Extension of Time set forth in
37 C.F.R. §§ 1.17 and 41.20 to our Deposit Account No. 02-4800.

Respectfully submitted,

Buchanan Ingersoll & Rooney pc

Date: October 3, 2008

By: Peter T. deVore
Matthew L. Schneider
Registration No. 32814

Peter T. deVore
Registration No. 60361

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620